

Exhibit 60:
John Doe G
Deposition Transcript (redacted)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

- - - - -
)
JOHN DOES A, B, C, D, E, F, G,)
H, MARY DOE and MARY ROE, on)
behalf of themselves and all)
others similarly situated,)
)
Plaintiffs,) File No.
) 2:22-cv-10209
-vs-)
) HON. GOLDSMITH
GRETCHEN WHITMER, Governor of) MAG. IVY, JR.
the State of Michigan, and)
COL. JOSEPH GASPER, Director)
of the Michigan State Police,)
in their official capacities,)
)
Defendants.)
- - - - -

REMOTE DEPOSITION

of JOHN DOE G, a Plaintiff called by Defendants,
taken before Melinda S. Nardone, Certified Shorthand
Reporter and Notary Public, via Zoom, on Thursday, April
6, 2023, noticed for the hour of 10:00 a.m.

HECKAMAN & NARDONE, INC.
Certified Shorthand Reporters
P.O. Box 27603
Lansing, Michigan 48909
(517) 349-0847
msnardone5@gmail.com

APPEARANCES:

AMERICAN CIVIL LIBERTIES UNION FUND OF MICHIGAN
2966 Woodward Avenue
Detroit, Michigan 48201
By
SYEDA DAVIDSON, J.D.
and
AMERICAN CIVIL LIBERTIES UNION FUND OF MICHIGAN
1514 Wealthy SE, Suite 260
Grand Rapids, Michigan 49506
By
DAYJA TILLMAN, J.D.

On behalf of Plaintiff.

MICHIGAN DEPARTMENT of ATTORNEY GENERAL
State Operations Division
P.O. Box 30754
Lansing, Michigan 48909
By
SCOTT DAMICH, J.D.

On behalf of Defendants.

Thursday, April 6, 2023

10:00 a.m.

R E C O R D

JOHN DOE G,

having been first duly affirmed, testified as follows:

MR. DAMICH: Good morning, sir, my name is Scott Damich, I'm an assistant attorney general with the State of Michigan and I represent Governor Whitmer and Colonel Gasper. I noticed your deposition today in this case, Does V Whitmer, Case Number 2:22-cv-10209, in the District Court in the Eastern District of Michigan in front of the Honorable Judge Goldsmith.

There is a protective order in place in this case and that's found at ECF number 88, page ID 2389-2395, which protects your identity. Would the court reporter please confirm that you have read the protective order and signed the acknowledgment?

COURT REPORTER: Yes, I have.

MR. DAMICH: And would counsel confirm that the person tendered is, in fact, John Doe G?

MS. TILLMAN: I can confirm that the person tendered is, in fact, John Doe G.

EXAMINATION

BY MR. DAMICH:

Q. Sir, I'm going to do my best today to make sure

EXAMINATION INDEXATTORNEY'S NAME EXAMINATION RE-EXAMINATION

BY MR. DAMICH: 4

BY MS. TILLMAN: 76

* * *

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that I ask questions that don't divulge any of your personal information. To the extent that it does we will work with your counsel to make sure that that's redacted, it doesn't find itself in the public sphere at all. I'm going to make my best effort to make sure I don't draw any personal information out from you, but if I make a mistake and that happens we will fix it. Have you ever been deposed before?

A. No.

Q. Okay. So I'm going to go over a couple ground rules I guess we'll call them. First of all, I'm just looking to have a conversation with you, just question/answer type format. Of course there's a court reporter here that is writing down everything that we're saying, so when I ask a question, if you'll wait to let me finish the question before you start talking so we don't have cross talk, it's really hard for Mindy to write down what we're saying when there's cross talk, and I'll do the same for you whenever you're answering a question I'll do my best to not talk over you.

And since this is done verbally and it's being recorded and actually written down by the court reporter, if I ask you a yes, no, question we ask that you say yes or no. Like head nods like you're doing right now, a yes, that wouldn't make it into the record

1 so make sure you verbalize the yes or no. And I usually
2 do a pretty good job of asking you to do that anyway in
3 case it ever happens but I always like to go over that
4 rule as well.

5 I'm going to ask -- like I said, it's a
6 conversation but it's a conversation in a sense that
7 I'll be asking you some questions. I'm not here to
8 confuse you or to trick you in any way, so if you don't
9 understand a question that I'm asking just say so and
10 I'll do my best to rephrase in a manner that you
11 understand. I won't take offense to it if you say I
12 don't understand your question, I will do my best to
13 make sure to get you to understand what I'm looking to
14 get at. So I prefer that you not guess at your answers
15 or assume or anything like that, I'm just looking for
16 what you know and what you don't know. So if you answer
17 a question -- with all that said, if you answer a
18 question I'll assume you understood the question, is
19 that fair.

20 **A. Yeah. Actually what I intend to do is read back**
21 **the question from my understanding to you and request**
22 **confirmation that, in fact, I understand the question**
23 **and then I'll answer.**

24 **Q.** Okay, we'll see how that goes. Another thing is
25 this, I don't anticipate this deposition taking an awful

1 long time, I don't, but I also -- it's also not to be
2 treated like a marathon where if you need a break ask
3 for it, if you need to go to the bathroom, if you need
4 to get up, stretch your legs, whatever, just ask me,
5 say, sir, I need to take a break. The only caveat to
6 that is that if I've asked you a question I would ask
7 you answer the question before we take a break.

8 Are you taking any medication or any
9 substances that would effect your ability to answer
10 questions truthfully today?

11 **A. No.**

12 **Q.** Okay. And is there anything else that might
13 interfere with your ability to answer questions
14 truthfully or fully?

15 **A. No.**

16 **Q.** Okay. Where are you currently at right now?

17 **A. My home.**

18 **Q.** And now do you own your home?

19 **A. I do not.**

20 **Q.** So do you rent, then?

21 **A. I live in a motel.**

22 **Q.** You live in a motel?

23 **A. For 13 years, yes, sir.**

24 **Q.** Okay. And the motel, is it fair to say, it is
25 located in the central east area of the state?

1 **A. Yes.**

2 **Q.** Okay. Throughout this deposition I'm going to be
3 referring to a CSC conviction. Would it be fair -- if
4 I, in fact, refer to that CSC conviction, would it be
5 fair that it represents the 2006 conviction of CSC in
6 Nebraska?

7 **A. I don't know. I'd have to look at the Michigan**
8 **statutes to tell you.**

9 **Q.** Sure. Were you charged with any crimes of a
10 sexual nature in the State of Nebraska?

11 **A. Yes.**

12 **Q.** And when was that?

13 **A. That would have -- the conviction would have been**
14 **Octoberish, I don't remember the exact date, of 2008.**

15 **Q.** October 2008, okay. So then if I refer to your
16 conviction, is it fair that throughout this deposition
17 that we're speaking about that 2008 conviction in
18 Nebraska?

19 **A. Yes, that would be correct.**

20 **Q.** Okay, excellent. So you lived in a hotel for the
21 past 13 years?

22 **A. This is correct.**

23 **Q.** So then to do the math here, so when did you
24 first move into the hotel?

25 **A. 2010.**

1 **Q.** And then prior to 2010 where did you live?

2 **A. I lived very briefly with my father for about 90**
3 **days.**

4 **Q.** And that would -- was that still in 2010?

5 **A. Yes.**

6 **Q.** And then before living briefly with your
7 father -- actually did your father live in Michigan?

8 **A. Not at the moment but he did at that time.**

9 **Q.** Okay. Where does your father live now?

10 **A. Florida.**

11 **Q.** And prior to living with your father for 90 days
12 did you live anywhere else?

13 **A. I was incarcerated in the state of Nebraska,**
14 **Nebraska Department of Corrections.**

15 **Q.** Okay. So then after your release from prison in
16 Nebraska you then went and lived with your father for 90
17 days?

18 **A. I did.**

19 **Q.** And that was in Michigan?

20 **A. Yes.**

21 **Q.** And then from there you moved into the hotel that
22 you currently live in now, right?

23 **A. Yes.**

24 **Q.** Okay. During your 13 years at your current
25 location have you sought different housing?

1 **A. On multiple occasions, yes.**

2 **Q. Okay. Could we go through those different**
3 **instances?**

4 **A. I don't recall all of them, but I can certainly**
5 **answer any questions you might have.**

6 **Q. Sure. So you said this happened on -- you sought**
7 **out different housing on multiple occasions,**
8 **approximately how many times?**

9 **A. More than five, less than ten.**

10 **Q. Okay, that's fair. And did you seek**
11 **homeownership?**

12 **A. Without the financial resources to do so I was**
13 **not able to, so, no.**

14 **Q. Okay. So did you seek to rent?**

15 **A. Yes.**

16 **Q. Before we go on to renting, so the reason you**
17 **didn't seek to buy a home was because you didn't have**
18 **the financial resources to do so?**

19 **A. Correct.**

20 **Q. Now on to the renting situation. What type**
21 **of -- did you try to rent a home?**

22 **A. I tried to rent apartments and homes.**

23 **Q. Okay. Now for the apartments, what type**
24 **of -- were they apartment complexes?**

25 **A. Yes.**

1 **Q. Okay. And why did you not rent with those large**
2 **apartment complexes?**

3 **A. Every time they ran a background check, which is**
4 **a standard mechanism for any management company to vet**
5 **renters, they would notice the fact that I was on the**
6 **registry.**

7 **Q. Now, did you apply to rent there in these areas,**
8 **fill out an application?**

9 **A. Yeah. I did initially, yes, I did.**

10 **Q. And now do you remember if the application**
11 **specifically asked if you were on the sex offender**
12 **registry?**

13 **A. It did not.**

14 **Q. When those apartment complexes denied to rent to**
15 **you did they say it's because of you being on the sex**
16 **offender registry?**

17 **A. Yes, they indicated to me that it was a liability**
18 **issue.**

19 **Q. And are you saying it wasn't because of your**
20 **underlying conviction?**

21 **A. That doesn't even show up on a background check.**
22 **So it was the fact that I was on the registry that was**
23 **their main concern. They would -- when I got into a**
24 **position of where I could rent and was making enough**
25 **money, after I had tried my initial round of getting**

1 **into an apartment I tried again figuring an amount of**
2 **time had passed and in the meantime the conviction**
3 **itself falls off the record. After seven years if you**
4 **just do a standard criminal background check it no**
5 **longer shows up. So the only thing that shows up is the**
6 **fact that you're still on the registry, that shows up.**
7 **So basically the concern was that they didn't want the**
8 **liability problem, they just didn't like the idea of**
9 **having someone on the registry listed at their address**
10 **is what it amounted to.**

11 **Q. Okay. Do you remember if the application asked**
12 **if you were priorly convicted of any felonies?**

13 **A. I don't recall.**

14 **Q. And approximately how many times did you apply to**
15 **rent apartment complexes?**

16 **A. At least five.**

17 **Q. Okay. And each time they said it's**
18 **because -- it's exclusively because you're on the**
19 **registry?**

20 **A. That is correct.**

21 **Q. And there was no concern about your underlying**
22 **conviction?**

23 **A. I mean part and parcel correct. I mean obviously**
24 **there has to be an underlying conviction for you to be**
25 **on the registry, but what showed up was the fact that I**

1 **was on the registry so that was their main concern.**

2 **Q. And so absent you being on the registry there**
3 **would be no way for them to find out your prior**
4 **conviction?**

5 **A. That is correct. After seven years, yes, that's**
6 **right.**

7 **Q. Okay. Aside from the apartment complexes what**
8 **other type of places did you try to rent from?**

9 **A. A couple of private homeowner rentals.**

10 **Q. And was there an application process for that?**

11 **A. There was a -- well, catch as catch can, I**
12 **suppose a very modest one. I paid a fee for a**
13 **background check in both cases because even the**
14 **home -- the private homeowners wanted to run a**
15 **background check and they were able to do so online, it**
16 **doesn't require much, and they came up with the same**
17 **result, they didn't -- they wanted to rent to me, but at**
18 **the same time they knew I could financially afford it at**
19 **the time when I did apply, but they were concerned that**
20 **their property would be targeted for -- if I was to show**
21 **up on the registry and their property would be listed**
22 **online they were concerned that they would suffer**
23 **vigilantism, property damage, things like that.**

24 **Q. And how many different -- how many different**
25 **private homes did you try to rent from?**

1 **A. As I recall two to three. It's been a while**
 2 **since I've tried the home thing.**
 3 **Q. So then you were released in 2008, correct?**
 4 **A. 2010 I was released.**
 5 **Q. Or 2010. So then your conviction -- so under**
 6 **your statement that your prior conviction would be**
 7 **erased from your record seven years after, did you not**
 8 **apply for any apartments or homeowner -- or many homes**
 9 **during that seven year time period after you were**
 10 **released?**
 11 **A. Yeah, so I did initially, I looked at a few**
 12 **places and was told resoundingly that there was nobody**
 13 **that would rent to me. And then I tried -- and once I**
 14 **realized -- I was not aware that that conviction would**
 15 **actually drop off the record but it would still show the**
 16 **fact that you're on the registry. So once I realized**
 17 **that, because an employer did a background check, then I**
 18 **tried re-applying again but still borno, I was still**
 19 **turned down.**
 20 **Q. So for those seven years post release from prison**
 21 **is it fair to say that being on the registry wasn't the**
 22 **exclusive way that potential renters found out about**
 23 **your conviction?**
 24 **A. It's a very quick Google search. One of the very**
 25 **first things that they -- after the first couple of**

1 **times of losing money, because you have to pay money to**
 2 **apply, I started just simply telling them, hey, if you**
 3 **guys run a background check I'm on the registry, it**
 4 **became easier just for me to let them know. And they**
 5 **would tell me, no, if you're on the registry we can't**
 6 **rent to you at all.**
 7 **Q. So is it a true statement that when you went to**
 8 **apply to rent from these places you told them you were**
 9 **on the registry?**
 10 **A. A couple of them, yeah, after I got sick of**
 11 **paying money for every application, yes.**
 12 **Q. Okay.**
 13 **A. It sucks to have to pay money for an application**
 14 **then only -- you practically know you're going to be**
 15 **turned down so....**
 16 **Q. If you weren't on the registry would you tell**
 17 **them prior to applying that you were previously**
 18 **convicted of a sexual crime?**
 19 **A. No.**
 20 **Q. You would not have?**
 21 **A. No, absolutely not.**
 22 **Q. So you're currently living in a motel and it's**
 23 **been that way for 13 years?**
 24 **A. It has, yes.**
 25 **Q. And so do you have a P.O. Box or how do you**

1 receive your mail?
 2 **A. The mail is received at the hotel's business**
 3 **address.**
 4 **Q. And do you pay monthly?**
 5 **A. I pay monthly.**
 6 **Q. And did the hotel have any problems with your**
 7 **prior conviction?**
 8 **A. They don't know.**
 9 **Q. They don't know, okay.**
 10 **A. I'm waiting for that hammer to drop. Eventually**
 11 **they might find out and I might lose even a place to**
 12 **live like a hotel, then what do I do?**
 13 **Q. Are you currently married?**
 14 **A. I am not.**
 15 **Q. Do you have a partner?**
 16 **A. No.**
 17 **Q. Were you previously married at all?**
 18 **A. No.**
 19 **Q. And did you previously have a partner?**
 20 **A. Define partner.**
 21 **Q. Sure. Have you dated?**
 22 **A. Yes.**
 23 **Q. And have you cohabitated with anyone that you've**
 24 **dated?**
 25 **A. No.**

1 **Q. Are you dating right now?**
 2 **A. No.**
 3 **Q. How long have you been single?**
 4 **A. Six years.**
 5 **Q. Do you have any children?**
 6 **A. No.**
 7 **Q. Do you have any siblings?**
 8 **A. Yes.**
 9 **Q. Do you have any nieces and nephews?**
 10 **A. Yes.**
 11 **Q. How many nieces do you have?**
 12 **A. One.**
 13 **Q. And is the niece a minor?**
 14 **A. No.**
 15 **Q. How old is your niece?**
 16 **A. 25.**
 17 **Q. Okay.**
 18 **A. That's a guess.**
 19 **Q. That's all right, understood. And you indicated**
 20 **you have a nephew, correct?**
 21 **A. Yes.**
 22 **Q. Do you have more than one nephew?**
 23 **A. No.**
 24 **Q. How old is your nephew?**
 25 **A. 28.**

1 Q. And so backing up, is your niece and nephew from
2 the same sibling?
3 A. Yes.
4 Q. And is that your brother or sister?
5 A. My sister.
6 Q. And do you have any other siblings?
7 A. No.
8 Q. And does your sister live in Michigan?
9 A. No.
10 Q. Where does she live?
11 A. Illinois.
12 Q. How about your niece, does she live in Michigan?
13 A. No.
14 Q. Does she live in Illinois?
15 A. Yes.
16 Q. The same with your nephew?
17 A. No, nephew lives in Missouri.
18 Q. Missouri, okay. Does your niece or nephew have
19 children?
20 A. Yes, my nephew does.
21 Q. How many children does he have?
22 A. One.
23 Q. One child. And how old is that child?
24 A. Less than a year old.
25 Q. Do you get to see your niece and nephew often?

1 A. Only around holidays when I decide to travel to
2 Illinois to say hi.
3 Q. Okay. Is it the same situation with your sister
4 as well?
5 A. More or less.
6 Q. Would you say that having a CSC conviction has
7 made it more difficult to be involved in the lives of
8 your nieces and nephews?
9 A. Yes.
10 Q. And why is that?
11 A. There's a different set of rules in Illinois that
12 are in some ways more lenient and some ways more strict
13 than Michigan. So any -- there's no zoning requirements
14 in Illinois. There's a bunch of different laws that
15 make it more -- they make it difficult for me to
16 interact with them.
17 Q. Okay. So the fact that you're on Michigan's sex
18 offender registry, has that made it more difficult for
19 you to interact with your nieces and nephews?
20 A. Absolutely.
21 Q. And can you elaborate why?
22 A. Because Michigan requires me to report to
23 Illinois whenever -- well, I should say Illinois
24 requires me to report that I'm a registered offender in
25 Michigan. And there's also a notice requirement if I

1 should travel more than, what, seven days, so if I was
2 to leave Michigan for more than seven days I have to
3 report that to Michigan and then Michigan would report
4 it to Illinois. So any visiting time that I have in
5 Illinois is always defined as seven days or less.
6 Q. But your visits have been limited, correct?
7 A. Yes.
8 Q. And was that a choice of your own?
9 A. Yes, to avoid being in conflict with the law out
10 of state.
11 Q. So you would avoid traveling to Illinois out of
12 fear of violating Illinois law?
13 A. Yes. And also to avoid a ton of additional steps
14 that I would have to take in Michigan just to travel.
15 Q. But you could still travel to go see them,
16 correct?
17 A. Assuming that their residences weren't part of
18 the zoning restriction issues that go on in Illinois,
19 that would be theoretically correct, yes.
20 Q. And what about Missouri, the same thing?
21 A. Missouri is even -- is another yet degree of
22 worse. I cannot even -- I cannot visit my nephew in
23 Missouri because they draw 15 -- I think it's 1500 foot
24 circles around literally anything you can think of like
25 a playground, bus stop, church. So his house is -- I

1 mean if you draw circles in Missouri there's literally
2 almost nowhere you can live except maybe out in a
3 prairie. So I would be loitering according to Missouri
4 law if I was to visit my -- loitering in an unauthorized
5 zone, according to Missouri law, so I can't even visit
6 my nephew, I'm sorry, I've never been there.
7 Q. Okay. Now is it fair to say that those
8 restrictions are placed on you because of your
9 conviction in Nebraska?
10 A. Well, I would say that those convictions -- those
11 restrictions are placed upon me because I'm still
12 required to register in Michigan. Especially now
13 because Nebraska indicated to me that I only had to
14 register for ten years.
15 Q. So are you saying that Illinois' restrictions
16 wouldn't apply to you if you weren't on Michigan's sex
17 offender registry?
18 A. That is correct. If I wasn't required to
19 register in Michigan I would not have to notify or worry
20 about issues that may occur in Illinois, that's my
21 understanding of it, so I could be wrong.
22 Q. So --
23 A. I would be guessing. I don't know all the codes
24 so....
25 Q. Okay. So you don't know whether or not your

1 requirement to -- or your restrictions in Illinois or
2 Missouri are borne out of your conviction in Nebraska?

3 **A. I think if you -- yeah, I think that actually**
4 **the -- yes, the conviction out of Nebraska would**
5 **definitely trigger, I guess, all of the sex offender**
6 **statutes no matter what state I go to.**

7 **Q.** Okay. So then just to clarify, then, it's not
8 exclusively because you're on Michigan's sex offender
9 registry, right?

10 **A. No.**

11 **Q.** It's because of the crime you were convicted for
12 in Nebraska, correct?

13 **A. Yes.**

14 **Q.** And you can still travel the states, correct?

15 **A. Well, theoretically I can travel to Missouri but**
16 **where would I go?**

17 **Q.** Now, you said your father lives in Florida,
18 correct?

19 **A. That is correct.**

20 **Q.** Do you get to see him often?

21 **A. I do not.**

22 **Q.** Okay. Do you have a good relationship with your
23 father?

24 **A. I do.**

25 **Q.** Do you not travel to see him for financial

1 reasons?

2 **A. No, it's again because of the -- Florida's laws**
3 **are similar to Missouri's in the restrictiveness. So**
4 **again where my father lives falls into a zone that is**
5 **prohibited for me to even visit. And also there's a big**
6 **problem with Florida where if you are there more than**
7 **three days you have to show up, pay a fee, and register**
8 **in Florida and they don't take you off the registry when**
9 **you leave even if you're only there for four days.**

10 **Q.** And that's because of your underlying conviction
11 in Nebraska, correct?

12 **A. I would assume that's the case. You're asking me**
13 **to guess. I don't know all the statutes and codes**
14 **around it. I mean because right now, as far as I was**
15 **advised, in Nebraska I was only required to register for**
16 **ten years and now it's been more than ten years.**

17 **Q.** Sure. But to the best of your knowledge the fact
18 those restrictions apply don't have anything to do with
19 your registration requirements in Nebraska, correct?

20 **A. I'm sorry, could you clarify?**

21 **Q.** Sure. Your ability to visit Florida has nothing
22 to do with your registration requirements in Nebraska,
23 right?

24 **MS. TILLMAN:** I'm going to object to that as
25 asked and answered but you can answer.

1 **THE WITNESS:** I would say that -- I'm sorry,
2 I still don't understand that question. Could you
3 clarify one more time?

4 **BY MR. DAMICH:**

5 **Q.** Sure. Your registration requirements in Nebraska
6 are not -- they do not hinder your ability to go to
7 Florida, correct?

8 **A. I would say that based on the --**

9 **MS. TILLMAN:** I'm also going to object to
10 this question because it calls for speculation and the
11 witness has already explained that he doesn't know.

12 **THE WITNESS:** I really don't know. I don't
13 know all the statutes.

14 **BY MR. DAMICH:**

15 **Q.** Okay. All right, I'd like to go through your
16 education a little bit. Did you graduate high school?

17 **A. Yes, I did.**

18 **Q.** And then did you go on to further schooling after
19 high school?

20 **A. I did.**

21 **Q.** And what type of degree -- did you obtain a
22 degree?

23 **A. I did.**

24 **Q.** And what year did you obtain your degree?

25 **A. 1992.**

1 **Q.** Okay. And what was your degree in?

2 **A. Bachelor of science, business administration, and**
3 **a management information systems major.**

4 **Q.** And did you go on to any further education after
5 undergraduate?

6 **A. Yes, I obtained a certificate in project**
7 **management in 1995, that was a one year university level**
8 **course.**

9 **Q.** Got you. Anything after that?

10 **A. Besides industry certifications, no.**

11 **Q.** Since your release from prison in 2008 have you
12 received any further education?

13 **A. I was released from prison in 2010. I have not**
14 **received -- could you define education for me?**

15 **Q.** Sure. Have you attended any classes at all?

16 **A. Like a college?**

17 **Q.** Correct.

18 **A. No.**

19 **Q.** Okay. Have you attended any classes to gain a
20 certificate of any sort?

21 **A. Yes.**

22 **Q.** And --

23 **A. Online courses.**

24 **Q.** Online courses. And can you tell me what those
25 courses -- what type of courses you took?

1 **A. Technical courses that relate to my current job.**
 2 **Q.** And since 2010 have you received any
 3 certifications?
 4 **A. Do you mean like industry certifications, like --**
 5 **Q.** Yes.
 6 **A. Yes, uh-huh.**
 7 **Q.** Could you tell me what those are?
 8 **A. Let's see, BICSI certification for installers,**
 9 **for communications cable installation.**
 10 **Q.** Okay. Any other ones?
 11 **A. There was also one to certify me to run a test**
 12 **machine, that's called a certified cable test**
 13 **technician.**
 14 **Q.** Any others?
 15 **A. No.**
 16 **Q.** Now back to the first certificate, was it a BICSI
 17 or BICSI, what was the name of it?
 18 **A. B-I-C-S-I, BICSI.**
 19 **Q.** Okay, and were you required to go to in-person
 20 instruction for that certificate?
 21 **A. No.**
 22 **Q.** It was done online?
 23 **A. Online.**
 24 **Q.** Okay. And for the second certification you spoke
 25 of, the certified cable test tech, did you have to

1 attend in person?
 2 **A. No, it was online.**
 3 **Q.** So would you say that having a sexual conviction
 4 has made obtaining those certificates more difficult?
 5 **A. I would say that it's not relevant because they**
 6 **were online courses.**
 7 **Q.** Since your release from prison have you applied
 8 for further education but were denied entry because of
 9 your prior conviction?
 10 **A. I have not applied for additional education in**
 11 **person, no.**
 12 **Q.** And could you -- approximately when did you
 13 receive these certifications?
 14 **A. 2019, 2020.**
 15 **Q.** And since your release from prison have you been
 16 steadily employed?
 17 **A. No.**
 18 **Q.** No. If you don't mind if we can walk through
 19 your employment history from your release date to
 20 present day, is that okay?
 21 **A. If I recall it all. It's been a pretty big**
 22 **disaster so....**
 23 **Q.** Okay, so let's start from the year you were
 24 released from prison. When did you first obtain
 25 employment after that?

1 **A. I managed to get a job at [REDACTED] as a server**
 2 **serving tables within 30 days of being released from**
 3 **prison while living with my father.**
 4 **Q.** Why did you leave that job?
 5 **A. I was terminated.**
 6 **Q.** Why were you terminated?
 7 **A. Because my employer found out about my registry**
 8 **entry.**
 9 **Q.** Do you know how your employer found out?
 10 **A. A customer.**
 11 **Q.** A customer, okay. And is it fair to say that
 12 your employer fired you because of your underlying
 13 conviction?
 14 **A. No, they loved my work. Their application didn't**
 15 **even ask nor did they care if you even had a felony**
 16 **conviction, they had convicted everything there,**
 17 **especially the cooks. In my case they were more**
 18 **concerned about the fact that it gave them a bad look,**
 19 **it was, again, a perception problem and it was**
 20 **not -- that was very clearly explained to me that they**
 21 **actually didn't care about the underlying conviction,**
 22 **that what they cared about was the fact that it was**
 23 **publicly available and it was giving them a bad -- a**
 24 **black eye, so to speak.**
 25 **Q.** Okay.

1 **A. The perception was bad.**
 2 **Q.** The --
 3 **A. Especially since a customer pointed it out to**
 4 **them.**
 5 **Q.** So then after your job with [REDACTED] did you gain
 6 employment after that?
 7 **A. Yes.**
 8 **Q.** Where?
 9 **A. The next job would have been a server position at**
 10 **[REDACTED]. So I tried switching over to another**
 11 **restaurant because that's what I was comfortable with.**
 12 **Q.** And then do you remember approximately when you
 13 started your employment with [REDACTED] [REDACTED]
 14 **A. No, I don't recall. It's been a while.**
 15 **Q.** Sure. Do you know if there was a large gap in
 16 time between your position with [REDACTED] and your position
 17 with [REDACTED]?
 18 **A. I don't recall.**
 19 **Q.** Would you say it was less than a year?
 20 **A. Probably less than a year.**
 21 **Q.** And how long did you stay employed at [REDACTED]?
 22 **A. I would say less than 90 days.**
 23 **Q.** And then why did you stop working with [REDACTED]?
 24 **A. I was terminated.**
 25 **Q.** And why were you terminated?

1 **A. My employer found out that I was on the sex**
2 **offender registry.**

3 **Q.** So the sex offender registry tipped your employer
4 off to your conviction?

5 **A. No, the uniformed sheriff's deputy showing up**
6 **with my picture asking if I worked there did.**

7 **Q.** Okay. So was [REDACTED] concerned with your
8 underlying conviction?

9 **A. I don't know what they were concerned with, they**
10 **just simply terminated me immediately.**

11 **Q.** And they --

12 **A. Upon the deputy showing up and the picture being**
13 **shown around, I was terminated without a reason at that**
14 **point.**

15 **Q.** Do you know why the deputies showed up?

16 **A. For verification of employment. I mean I assume**
17 **that's what it was, that's calling for speculation, but**
18 **I mean they had a picture of me and were asking**
19 **questions to my managers, specifically requested the**
20 **manager, and then they pointed out a picture on a piece**
21 **of paper and as soon as they did that my manager looks**
22 **over at me so I can only assume that that, in fact, was**
23 **the cause of my termination, an employment verification.**

24 **Q.** So aside from your conviction in Nebraska that
25 we've been speaking of, do you have any prior

1 convictions?

2 **A. No.**

3 **Q.** So is it fair to assume that the officer was
4 there because of your conviction back in Nebraska?

5 **A. No.**

6 MS. TILLMAN: Objection, calls for
7 speculation. You can answer.

8 THE WITNESS: No, the deputies were there
9 for employment verification purposes, nothing to do with
10 Nebraska.

11 BY MR. DAMICH:

12 **Q.** Okay. So you were told -- is this an accurate
13 statement that you were told that you were fired because
14 you're on the sex offender registry?

15 **A. The manager didn't say those exact words. The**
16 **manager told me that the sheriff had showed up with a**
17 **picture, asked if I worked there, he saw what it was, he**
18 **said he wasn't interested in discussing it any further,**
19 **and then he said you're terminated, get your stuff and**
20 **leave.**

21 **Q.** Then after your position with [REDACTED] did you
22 seek employment after that?

23 **A. Yes.**

24 **Q.** Where did you go after your job with [REDACTED]?

25 **A. Well, I stopped trying to be a server so I went**

1 **and started trying to work for temp agencies.**

2 **Q.** And now when you started working for temp
3 agencies did they ask if you have any prior convictions?

4 **A. They did.**

5 **Q.** And did you tell them that you did?

6 **A. I did.**

7 **Q.** And did you get placed anywhere after?

8 **A. Right, uh-huh, innumerable.**

9 **Q.** You did?

10 **A. Yeah, innumerable places, yes. I was terminated**
11 **from most of them due to the fact that they would**
12 **not -- see the employment agency knew that I had a**
13 **conviction and I was on the registry at that time. The**
14 **employer, the base employer, that being the staffing**
15 **agency, was aware of my conviction, which still showed**
16 **up on the record at that time, and the fact that I was**
17 **on the registry. And they did place me multiple places.**

18 **Q.** So let's go through those multiple places that
19 you were placed. Actually first do you remember when
20 you started your relationship with the temp agency?

21 **A. Not precisely. It would have to have been around**
22 **2013, '14 maybe.**

23 **Q.** So did you --

24 **A. There was a long period of unemployment in there**
25 **as well, like a year of unemployment, but, again, it's**

1 **all pretty fuzzy. I've held and been terminated from so**
2 **many jobs due to being on the registry that I have lost**
3 **track.**

4 **Q.** So during that period of unemployment did you
5 apply to any emp- -- apply to work anywhere?

6 **A. Say that again one more time, I'm sorry.**

7 **Q.** The gap in time between [REDACTED] and the temp
8 agency you said you were unemployed, correct?

9 **A. That's right.**

10 **Q.** Did you fill out any applications to be employed
11 anywhere else?

12 **A. No, I fell into a period of depression.**

13 **Q.** Okay. So then back to the temp agency, where is
14 the first place that they placed you?

15 **A. A factory, various factories, it's all manual**
16 **labor factories, dirty, hot, sweaty type work.**

17 **Q.** Okay.

18 **A. I couldn't remember what all the various**
19 **factories they were.**

20 **Q.** Could you give me an approximation?

21 **A. Of?**

22 **Q.** How many different factories you worked at?

23 **A. Minimum ten, probably less than 20.**

24 **Q.** And what type of -- what was your job at these
25 factories?

1 **A. Whatever they wanted me to do. Mostly just**
 2 **pressing a button.**
 3 **Q.** So they were positions that were not pertinent to
 4 your undergraduate degree?
 5 **A. Not even remotely.**
 6 **Q.** And were you ever reprimand -- do you remember
 7 being reprimanded by any of those factories for
 8 performance reasons?
 9 **A. Never.**
 10 **Q.** But you claim that you were fired from each of
 11 those factories?
 12 **A. No.**
 13 **Q.** Then why did you jump from factory to factory?
 14 **A. Because sometimes the contract would end, and so**
 15 **in the case of the ones where it was a short-term thing**
 16 **the contract would end and I would then go to another**
 17 **factory until I got to a factory that I was at there**
 18 **long enough that they found out I was on the registry**
 19 **and they wanted a new temp anyway from the temp agency.**
 20 I found out that the temp agency was not
 21 telling them that -- the factory that is, that someone
 22 from the registry was coming in, they just simply put
 23 bodies at the factory. So when the factory, and some of
 24 them did find out, I can't remember the number of them,
 25 but a number of them did find out that I was on the

1 competitive employment.
 2 BY MR. DAMICH:
 3 **Q.** Okay. But each time you were asked to be removed
 4 from a factory you were replaced at another factory,
 5 correct?
 6 **A. Yes.**
 7 **Q.** Okay. And did there ever reach a point that you
 8 weren't placed somewhere after you were removed from one
 9 factory?
 10 **A. Yes, when the temp agency ran out of factories to**
 11 **place me in they would typically just put me in a**
 12 **holding pattern but they would not place me anywhere so**
 13 **I was going through long periods of unemployment between**
 14 **these factories. So it wasn't an instant placing me**
 15 **from one factory to another factory, it was it could be**
 16 **two weeks, it could be two days, it could be two months.**
 17 **Q.** Okay. And during your relationship with this
 18 temp agency did you apply for positions outside of the
 19 temp agency?
 20 **A. No.**
 21 **Q.** And how long were you with this temp agency?
 22 **A. Two years.**
 23 **Q.** Okay. So that would be -- would you say your
 24 relationship with them ended in say 2016; is that fair?
 25 **A. That would be fair.**

1 registry, usually from other employees who were being
 2 nosey or whatever, and terminated -- basically what
 3 happened is I would not get called back the next day,
 4 and then the temp agency would advise me that it was
 5 because someone had told them -- or someone had found
 6 out I was on the registry and then I would then be put
 7 into a holding pattern to go to another factory.
 8 **Q.** Okay. So would you say -- is it fair to say that
 9 you having a sexual conviction did not prevent you from
 10 obtaining work at these factories?
 11 **A. What the --**
 12 MS. TILLMAN: Objection, calls for
 13 speculation.
 14 THE WITNESS: I don't understand. I don't
 15 understand that question.
 16 BY MR. DAMICH:
 17 **Q.** Sure. Would you say that having the sexual
 18 conviction has made obtaining a job in these different
 19 factories more difficult?
 20 MS. TILLMAN: I'm going to object to that
 21 question as speculative, but you can answer.
 22 THE WITNESS: I would say that being on the
 23 registry and having it being so easily publicly
 24 discoverable is what has caused me the vast majority if
 25 not all of the problems around obtaining and retaining

1 **Q.** And then after the temp agency what happened with
 2 your employment, where did you go?
 3 **A. I went to another temp agency.**
 4 **Q.** And did you tell the temp agency about your prior
 5 conviction?
 6 **A. I did.**
 7 **Q.** Okay. And did you also tell them that you're
 8 required to register as a sex offender?
 9 **A. Yes.**
 10 **Q.** And they still took you on as a potential
 11 employ --
 12 **A. They said they would place me in a place that**
 13 **does not care about background. So they did and I**
 14 **stayed at another employer for approximately -- another**
 15 **contractor, client of theirs, for approximately a year**
 16 **and then their business took a downturn and then I was**
 17 **let go from the agency -- from that factory. And then**
 18 **when I found out -- when I went back to the agency**
 19 **asking for more work they said that they didn't have any**
 20 **other clients that were willing to take anybody that was**
 21 **on the registry, so that's what I was told verbatim. So**
 22 **I was -- I had to look for something else.**
 23 **Q.** So in 2017 is it a fair statement to say that you
 24 were on Michigan sex offender registry because of your
 25 underlying conviction in Nebraska?

1 A. At that time I -- yeah, I was required to
 2 register in the State of Michigan at that time because
 3 of the underlying registry -- or because of the
 4 underlying conviction, yes.
 5 Q. So then you were a contractor in this factory
 6 until 2017?
 7 A. Yes, approximately.
 8 Q. And then after that where did you end up?
 9 A. I went to another factory, but this time I was
 10 getting sick of losing jobs and I decided to actually
 11 make the registry work for me. I parsed out the
 12 registry in my area and I started doing some very
 13 in-depth research, set up a macro, and literally sifted
 14 through every single work address that people had listed
 15 on the registry, and then I came up with an employer who
 16 had several people who were on the registry at their
 17 address. And I knew that that employer would not care
 18 about an underlying sex offense so I then sought
 19 employment with that employer.
 20 Q. And was this outside of the temp agency
 21 relationship?
 22 A. Yes.
 23 Q. This was on your own?
 24 A. This was on my own, yes.
 25 Q. Okay. So you were able to obtain employment even

1 with your underlying conviction and being on the
 2 registry?
 3 A. Yes.
 4 Q. Now, this factory position that you just
 5 mentioned, was your compensation more or less than your
 6 prior positions?
 7 A. Less.
 8 Q. Less. How long did you stay at this factory
 9 position?
 10 A. Up until -- I was there for a while, up until
 11 2019.
 12 Q. So 20- --
 13 A. Yeah, early 2019 would have to be my -- late
 14 2018, early 2019, somewhere in there.
 15 Q. So is it fair to say you were employed by this
 16 factory from 2017 to 2019?
 17 A. Yes.
 18 Q. And what did you do, what were your job
 19 responsibilities at that factory?
 20 A. Machine operator.
 21 Q. And were you ever reprimanded for your work
 22 performance at that factory?
 23 A. No.
 24 Q. And you said your employment ended in 2019 with
 25 that factory, correct?

1 A. Correct.
 2 Q. Where did you go after that?
 3 A. Well, lightning struck, something happened that I
 4 thought would never happen again in my life, I was able
 5 to find employment working -- or creating technical
 6 articles for my current employer so I -- basically it's
 7 a technical writing type position and technical
 8 assistance to customers, it's all work from home. And
 9 so I found an employer, I wrote a very detailed review
 10 on a communications cable that I had purchased and my
 11 future employer noticed that because I posted the review
 12 on Amazon.
 13 Q. So this relationship started in 2019?
 14 A. Yes.
 15 Q. And was there an increase in pay in this new
 16 position?
 17 A. Yes.
 18 Q. Significant?
 19 A. Significant.
 20 Q. Did you receive fringe benefits as well?
 21 A. Yes.
 22 Q. Did you previously receive fringe benefits in the
 23 other positions?
 24 A. Very minor, what was required by law. Obamacare
 25 had already came into effect at that time so....

1 Q. Sure, but with this new position your fringe
 2 benefits were better?
 3 A. Better.
 4 Q. Okay. And that started in 2019, correct?
 5 A. Yes.
 6 Q. And you're still currently employed by this
 7 outfit?
 8 A. I am.
 9 Q. And is this -- your current employer is the
 10 employer that -- did they pay for you to get your
 11 certification for the BICSI and the cable tech?
 12 A. Yes.
 13 Q. So would you agree that having the prior
 14 conviction and being on the sex offender registry did
 15 not prevent you from obtaining your current employment?
 16 A. No, it almost did. My current employer put me
 17 through a background check, I was moving from -- the
 18 current employer I have desperately wanted me to work
 19 for them and my boss in particular. When they did the
 20 background check in corporate they did not find the
 21 underlying conviction, they found the fact that I was on
 22 the registry, which brought up a lot of questions. And
 23 I narrowly did not get extended the job offer, but if it
 24 wasn't for my manager running interference for me and
 25 telling the corporate office that he wouldn't hear of

1 me, you know, not getting the offer, then I don't think
 2 I would have got this job. The major saving grace was
 3 we were able to make the argument that I was not going
 4 into any office, that I was, in fact, working from home
 5 and, therefore, that this should not be a concern.
 6 Q. But you still got the -- ultimately got the job
 7 though, correct?
 8 A. Yes.
 9 Q. And have you received an increase in pay since
 10 you've started there?
 11 A. Yes.
 12 Q. On multiple occasions or just one occasion?
 13 A. Multiple occasions.
 14 Q. So is it fair to say that despite being on the
 15 registry you've been able to maintain your current
 16 employment and progress in your career?
 17 A. The current career, yes, I would say that is
 18 correct.
 19 Q. What do you do for fun outside of work?
 20 A. I build computers.
 21 Q. Okay. Do you belong to any groups, any kind
 22 of -- any kind of community organizations or anything?
 23 A. No.
 24 Q. Do you have any interest in doing that?
 25 A. No. I've thought about doing volunteer work but

1 that requires reporting it to the county or the state so
 2 that has nullified my desire to volunteer for anything.
 3 And I'm afraid that other people will find out about my
 4 registry status so I've been extremely hermit for many
 5 years now, no relationships, no friends, no anything.
 6 Q. So just to clarify, is it your understanding that
 7 you can't volunteer because you're on the registry?
 8 A. No, I can, but I would have to report it and that
 9 would put the volunteer -- from my perspective that
 10 would put the volunteer organization at undue risk.
 11 Q. Who would you have to report your volunteer
 12 activities to?
 13 A. The state and the county. The law requires me to
 14 report volunteer work to the state.
 15 Q. Have you ever tried to actually go out and
 16 volunteer at all?
 17 A. No. You mean in the last ten -- let's clarify
 18 that, you mean in the last 13 years?
 19 Q. Yeah.
 20 A. No. Before that, yes.
 21 Q. According to the complaint you've been a
 22 productive member of society since your release. In
 23 your opinion, what's a productive member of society?
 24 A. My opinion, my definition of a productive member
 25 of society is someone that is capable of pulling their

1 own weight, not getting into trouble, paying taxes.
 2 That's pretty much my definition of productive member of
 3 society.
 4 Q. What volunteer group -- assuming it were true
 5 that you can't -- well, you have to report volunteer
 6 activity for registry purposes, who would you go
 7 volunteer with?
 8 A. There's a number of clubs that I would love to
 9 volunteer with like radio clubs. I would like to do
 10 volunteer work at like animal shelters. I would like to
 11 do volunteer work at like homeless shelters, things like
 12 that.
 13 Q. Okay. I'm going to move over to your conviction.
 14 Again, you were convicted in 2006 of unlawful sexual
 15 conduct with a minor, correct?
 16 A. Yes, unlawful sexual contact with a minor, yes.
 17 Q. And the victim was a 14 year old child, correct?
 18 A. That's what I was convicted of. In reality he
 19 was 15 but, yeah, we'll say he's 14 for purposes of this
 20 deposition.
 21 Q. Okay. And you engaged in sexual touching with a
 22 14 year old child, right?
 23 A. Correct.
 24 Q. Okay. And did you have a special relationship
 25 with this child?

1 A. Define special relationship.
 2 Q. Sure. Did you live in the same house as this
 3 child?
 4 A. Yes.
 5 Q. Okay. Were you related to the child?
 6 A. No.
 7 Q. So what circumstances brought you to be living in
 8 the same house with him?
 9 A. That was my best friend's son.
 10 Q. And how many times did you sexually touch that 14
 11 year old child?
 12 A. Once.
 13 Q. And do you remember if there was just a single
 14 charge for sexual touching?
 15 A. There was initially some confusion. There was a
 16 charge and then there was confusion about the date,
 17 about when it occurred, so then they put a second
 18 charge, which they eventually -- which they dropped.
 19 Q. Do you remember if the victim testified that
 20 there were multiple touchings, multiple instances?
 21 A. We only addressed the one so I don't recall. I
 22 don't recall him saying that.
 23 Q. Do you remember if you appealed your conviction?
 24 A. I did.
 25 Q. And do you remember why you appealed your

1 conviction?

2 **A. Ineffective assistance of counsel.**

3 **Q.** And why do you believe counsel -- your counsel

4 was ineffective?

5 **A. I didn't believe that, the attorney did, so that**

6 **would be speculation on my part.**

7 **Q.** Do you remember whether or not the judge that was

8 presiding over your conviction had made mention of

9 multiple incidents of touching?

10 **A. No, just multiple instances of the two charges,**

11 **but there was confusion as to when it actually happened.**

12 **Q.** Okay. So sitting here today you still believe

13 there was only one instance of sexual touching of a

14 child?

15 **A. Correct.**

16 **Q.** In your opinion can a 14 year old child consent

17 to sexual touching with an adult?

18 **A. No.**

19 **Q.** And in your opinion does a 14 year old have the

20 maturity level to consent to having sexual touching with

21 an adult?

22 MS. TILLMAN: Objection, lack of foundation.

23 You can answer.

24 THE WITNESS: Continue answering? I believe

25 that that is a no.

1 BY MR. DAMICH:

2 **Q.** And as you sit here today do you think it's okay

3 for a 36 year old adult to have sexual relations with a

4 14 year old child?

5 **A. No.**

6 **Q.** Since 2006 have you had any other sexual

7 relationships with children 17 or under?

8 **A. No.**

9 **Q.** Were you attracted to the 14 year old?

10 **A. No, not specifically.**

11 **Q.** When you say not specifically can you elaborate

12 on that?

13 **A. I would say that without going into -- without**

14 **relitigating the case there was a momentary lapse of**

15 **reason where I engaged in sexual touching with the 14**

16 **year old but it wasn't due to an underlying attraction.**

17 **Q.** Did you have -- did you do it to seek pleasure?

18 **A. At that time I would say yes.**

19 **Q.** So the sexual touching with a 14 year old was an

20 event that you did for pleasure for yourself?

21 MS. TILLMAN: Objection, asked and answered.

22 THE WITNESS: I would say yes.

23 BY MR. DAMICH:

24 **Q.** Do you still find pleasure in being with 14 year

25 old children?

1 **A. No.**

2 **Q.** Are you attracted to children?

3 **A. I am not.**

4 **Q.** The complaint indicates that you completed a sex

5 offender treatment program while in prison.

6 **A. Yes.**

7 **Q.** Could you elaborate on what type of treatment you

8 received?

9 **A. I was given -- the treatment that was prescribed**

10 **by the prison or by the Nebraska Department of**

11 **Corrections was a cognitive behavioral therapy.**

12 **Q.** Okay. And do you remember if there was any

13 testing done?

14 **A. I don't understand.**

15 **Q.** Sure. So the cognitive behavior therapy, was

16 there any type of institutional test that was done by

17 the person that was giving you cognitive behavior

18 therapy?

19 **A. I don't know.**

20 **Q.** You don't know?

21 **A. Not that they ever disclosed to me.**

22 **Q.** Okay. And could you elaborate on what this

23 cognitive behavioral therapy entailed?

24 **A. Handbooks, counseling sessions, homework.**

25 **Q.** So when you moved to Michigan you had -- is it

1 fair to say you had to register for 25 years or life?

2 **A. Say that one more time now.**

3 **Q.** When you first moved to Michigan you had to

4 register for 25 years, correct?

5 **A. Yes, that was my understanding at the time, yes.**

6 **Q.** And then due to changes in law the registration

7 period was changed to life, correct?

8 **A. Correct.**

9 **Q.** Okay. The complaint indicates that the only way

10 you can ever come off the registry would be for you to

11 die, correct?

12 **A. Correct.**

13 **Q.** You can move to Nebraska, though, right?

14 **A. Theoretically I suppose I could move to Nebraska.**

15 **Q.** And if you moved to Nebraska you wouldn't have to

16 register, right?

17 **A. Honestly, I don't know anymore. The laws**

18 **constantly change, I really don't know.**

19 **Q.** I think you previously testified that you no

20 longer have to register in Nebraska; do you remember

21 that?

22 **A. I was given a ten year -- yeah, a ten year**

23 **registration there. But I know that their laws have**

24 **probably changed since.**

25 **Q.** Assuming that they haven't, you could move to

1 Nebraska and be off Michigan's sex offender registry,
2 right?

3 **A. No, they --**

4 MS. TILLMAN: I'm going to object to the
5 question because it calls for a legal conclusion and it
6 requires speculation on the witness' part, but you can
7 answer.

8 THE WITNESS: Yeah, I believe that Nebraska
9 had to largely comply with the Adam Walsh Act so their
10 laws regarding the registry and all that had to largely
11 substantially comply with the Adam Walsh Act, so I would
12 say that I would have to register going back to
13 Nebraska, yes.

14 BY MR. DAMICH:

15 **Q. As a lifetime registrant how often do you need to**
16 **verify in person with law enforcement?**

17 **A. Once every quarter, four times a year.**

18 **Q. Four times a year. And how far away is the**
19 **police department from your current residence?**

20 **A. Which one?**

21 **Q. What do you mean which one? Wherever you go to**
22 **verify.**

23 **A. The place I regularly verify at would be [REDACTED]**
24 **County Sheriff's Department, and that is approximately**
25 **10, 15 minutes away.**

1 **Q. And how long does it take you to register each**
2 **time you go?**

3 **A. It varies. Up to a half an hour.**

4 **Q. I'm going to go ahead and share my screen real**
5 **quick here. Do you see that, sir?**

6 **A. I do, uh-huh.**

7 **Q. Do you recognize this document?**

8 **A. I've seen it once before.**

9 **Q. And can you identify what it is?**

10 **A. It's a Michigan sex -- I'm just reading off the**
11 **document here on the screen, Michigan sex offender**
12 **registry mail-in update.**

13 **Q. Have you ever completed one of these forms?**

14 **A. Yes.**

15 **Q. On approximately how many occasions?**

16 **A. Once.**

17 MR. DAMICH: I'm going to ask this be marked
18 as Deposition Exhibit A.

19 (Whereupon Deposition Exhibit A
20 marked for identification.)

21 BY MR. DAMICH:

22 **Q. Starting at the first part here where it says**
23 **offender information, is there anything under this**
24 **category that confuses you?**

25 **A. Not under that particular section. Section one**

1 **does not confuse me.**

2 **Q. Okay, how about the second section?**

3 **A. That confuses me, it indicates temporary**
4 **residence information. I don't understand the context**
5 **of the entire block.**

6 **Q. Now, have you had to report a temporary residence**
7 **for any reason since you have been required to register?**

8 **A. No.**

9 **Q. Because you've been at the same place for 13**
10 **years, correct?**

11 **A. Yes.**

12 **Q. So what confuses you about the temporary**
13 **residence information?**

14 **A. It seems very out of context. Section two says**
15 **temporary residence information, and it's not clear to**
16 **me what the context of that is. In other words, if this**
17 **is a mail-in update form why would there be something**
18 **indicating temporary residence information on it. I**
19 **don't understand the context of that.**

20 **Q. Okay.**

21 **A. Because I'm not in a temporary residence, I'm in**
22 **a permanent residence, or at least for the moment I am.**

23 **Q. So if you had a question about what this means**
24 **would you contact anyone and ask?**

25 **A. Yes, I would attempt to contact somebody.**

1 **Q. Who would you try to contact?**

2 **A. Well, I could try calling the state and get a**
3 **different answer than the county would give me because**
4 **they always conflict, the answers conflict often. I**
5 **could contact the ACLU for a legal opinion, but**
6 **sometimes they can't even tell me precisely what that**
7 **stuff may mean because it's vague. Or I could also**
8 **contact a private attorney outside of the ACLU who may**
9 **not be familiar with this at all and have to go through**
10 **research and they still may not give me a correct**
11 **answer.**

12 **Q. Now, you made mention that you had received**
13 **perhaps conflicting information from the state and the**
14 **county level. Have you previously contacted the state**
15 **for direction on the Sex Offender Registration Act?**

16 **A. Yes.**

17 **Q. And do you remember why you contacted them?**

18 **A. It had to do with zoning restrictions, that it**
19 **had to do with measurement distances and where property**
20 **lines were and things like that.**

21 **Q. Okay. And did you contact the county with the**
22 **same type of question?**

23 **A. I did.**

24 **Q. Do you know that those restrictions no longer**
25 **apply?**

1 **A. I'm aware that they no longer apply to me, yes.**
 2 **Q.** And have you contacted the state for any other
 3 reason?
 4 **A. Yes.**
 5 **Q.** What was that other reason?
 6 **A. The other reason was palm prints.**
 7 **Q.** And what was your question with the palm prints?
 8 **A. It was basically how to comply because I had**
 9 **attempted to get palm prints registered, I was marked**
 10 **non-compliant for lack of palm prints just summarily by**
 11 **somebody at the state or county, I don't know who, but I**
 12 **was just summarily marked non-compliant for lack of palm**
 13 **prints even though I never knew I had to give them, and**
 14 **it was like six or seven years into the registration in**
 15 **Michigan. So I called them asking why all of a sudden I**
 16 **had to give a palm print. And then I asked, you know,**
 17 **where I could get it done and would I be getting a**
 18 **receipt and things like that, so that was the main gist**
 19 **of that conversation.**
 20 **Q.** And so after doing what was advised to do from
 21 the state, you were then considered to be in compliance?
 22 **A. Not -- well, I had to go through quite a bit of**
 23 **trouble to get into compliance.**
 24 **Q.** You followed the direction that the state gave
 25 you to get into compliance, correct?

1 **A. I did, and that did not get me into compliance.**
 2 **Q.** Okay. What kept you out of being in compliance
 3 then?
 4 **A. County -- I would say malfeasance of county**
 5 **duty -- malfeasance of the county. I was attempting to**
 6 **get palm prints registered at the county level for state**
 7 **use on multiple occasions and was unable to bring myself**
 8 **into compliance no matter what level of effort I**
 9 **exerted. I finally had to go to a state police post,**
 10 **which is a long way away, in order to get my palm prints**
 11 **taken.**
 12 **Q.** And then after that you were considered to be
 13 compliant?
 14 **A. Yes.**
 15 **Q.** Did you con- -- other than the zoning questions
 16 and the palm print questions, were there any other
 17 reasons you contacted the state for questions regarding
 18 registration?
 19 **A. Not that I can recall.**
 20 **Q.** Going back to the exhibit we were speaking of,
 21 item number three, contact information, is there
 22 anything in this area that you find confusing?
 23 **A. Yes, the email/internet identifier. An email**
 24 **makes sense, I understand that. But internet identifier**
 25 **is extremely vague, that could be -- I mean what exactly**

1 **does that mean?**
 2 **Q.** Okay. When you submitted your updates or your
 3 verification forms have you applied -- have you provided
 4 internet identifiers?
 5 **A. Generally -- well, email addresses, yes. But**
 6 **because the internet identifiers were extremely vague**
 7 **and I got conflicting answers from the county level as**
 8 **to what exactly that meant they couldn't tell me exactly**
 9 **what an internet identifier exactly was with a great**
 10 **deal of accuracy, so rather than have to report it I**
 11 **simply didn't bother registering for any so-called -- I**
 12 **just basically didn't use the internet. I was starting**
 13 **to just -- I just used email and I would look at like**
 14 **websites but I wouldn't go out of my way to -- and try**
 15 **to interact, certainly nothing like social media.**
 16 **Q.** Sure. Now I'm going to highlight a portion here,
 17 I don't know if it's a little hard to read, I'll zoom in
 18 a little bit for you. Based off what I just highlighted
 19 do you still have to report any of that information?
 20 **A. I still report the email address.**
 21 **Q.** Okay. So you still provide an email address even
 22 though it says, the following email internet information
 23 is only collected for those offenses committed on or
 24 after July 1, 2011, correct?
 25 **A. Yes, because the county has told me that I have**

1 **to report my email address. They said I didn't have to**
 2 **report other internet identifiers, but the county told**
 3 **me that they still required my email address along with**
 4 **my phone number.**
 5 **Q.** Now on to the next section, vehicles, is there
 6 anything that you find confusing about that?
 7 **A. That I do not find confusing.**
 8 **Q.** The same question for number five, mobile homes,
 9 is there anything confusing on that?
 10 **A. No, that's not confusing to me.**
 11 **Q.** Okay. Do you think the sex offender registry
 12 protects the public in any way?
 13 **A. No.**
 14 **Q.** And why do you believe that?
 15 **A. Based on my perceptions and experience the vast**
 16 **majority, from my understanding, of sex crimes are, in**
 17 **fact, not with somebody you don't know but somebody you**
 18 **know. It's almost always somebody close to you that is**
 19 **likely to commit a sex offense upon you. I think the**
 20 **registry generates fear, uncertainty, and doubt and is**
 21 **not a useful public safety tool.**
 22 **Q.** Can you elaborate on how the registry creates
 23 fear?
 24 **A. Yes. Because when you go onto the registry and**
 25 **do a search it looks very much like you're looking at a**

1 prison record, like at the Michigan Department of
2 Corrections. It's giving like tattoos and aliases, and
3 the assumption is is that somebody must use an alias,
4 even though it's just -- it could be just because they
5 have a middle initial in their name that they don't
6 always use. It gives the perception that someone who is
7 on the registry or listed on the website is a clear and
8 present legal danger to you and to people you know. So
9 I think it instills fear.

10 Also because it's not accurate in regards to
11 -- it lists an offense that you might be convicted of,
12 but that offense may not in any way resemble what
13 actually occurred because sometimes people are convicted
14 under statutes that they plead to or they are convicted
15 under statutes that don't resemble actually what
16 occurred. And my take on it is that it misleads people
17 into a false sense of security or causes undue alarm.

18 Q. So back to the fear part, do you think it creates
19 fear to the general public?

20 A. Yes, I think it causes -- I think people that go
21 on the registry and look for friends, neighbors,
22 relatives, I think it causes people to be more paranoid
23 and to be more fearful of their neighbors who are not
24 necessarily a threat.

25 Q. You also mentioned that the sex offender registry

1 creates doubt; could you elaborate on that?

2 A. Yes. Let's say you know someone who's been on
3 the registry for a long time but you didn't know they
4 were on the registry. And then subsequently you
5 discover that they are actually on the registry. Now
6 that's going to cause you to doubt your entire
7 relationship with someone that you've known for no good
8 reason other than the fact that they are listed on the
9 website.

10 Q. Do you think that the fact that the underlying
11 conviction would maybe cause harm on that relationship?

12 A. I think that that's possible but I think that
13 being publicly branded is the greater amount of damage,
14 I think that would cause the greater amount of damage to
15 the relationship because now you've put the person that
16 has discovered your status, for example, in the position
17 of having to defend you if other people should find out.

18 Q. You also made mention that the sex offender
19 registry creates uncertainty; could you elaborate on
20 that?

21 A. Part and parcel of what I've been talking about
22 generally speaking is that I think that it causes
23 uncertainty for people when they -- I believe that
24 uncertainty comes from not knowing whether you -- you
25 know someone is an actual threat to you or if they are a

1 threat to anybody else. And also uncertainty because
2 the person that you're looking at on the public registry
3 may not, in fact, be the person that you suspect of
4 actually being on the registry.

5 Q. In your opinion how do you determine if someone
6 is an actual threat?

7 A. Individualized assessment.

8 Q. What do you mean by individualized assessment?

9 A. I think that an individualized assessment needs
10 to take place by a therapist or someone who is qualified
11 to do so to determine if someone is an ongoing risk or
12 not.

13 Q. And what kind of things do you think that they
14 should consider?

15 MS. TILLMAN: I want to just quickly object
16 to this line of questioning because the witness is not
17 an expert and there's a lack of foundation, but you can
18 continue.

19 THE WITNESS: I can speculate all day but I
20 have no idea what kind of questions are appropriate to
21 ask.

22 BY MR. DAMICH:

23 Q. I mean like what type of characteristics would
24 make someone a threat?

25 A. I don't know, I'm not an expert.

1 Q. Do you think the sex offender registry may
2 encourage victims to come forward?

3 MS. TILLMAN: Objection, calls for
4 speculation.

5 THE WITNESS: I don't know.

6 BY MR. DAMICH:

7 Q. Have you ever been a victim of a sex offense?

8 A. No.

9 Q. Do you think if victims come forward to report
10 sex crimes that would protect the public?

11 A. At large? Let me just -- so you're asking me if
12 an individual person who's had a sex offense committed
13 upon them comes forward would that protect the public at
14 large; is that the question?

15 Q. Yeah.

16 A. Sure, yes.

17 Q. I'm going to go ahead and share my screen again.
18 Do you see -- is a document appearing on your screen,
19 sir?

20 A. Yes, I can see it, yeah.

21 MS. TILLMAN: And before you jump in we just
22 want to make a quick objection, notwithstanding the
23 court's order allowing the use of this exhibit, we just
24 want to place a global objection on the use of the
25 exhibit and the line of questioning associated with this

1 exhibit as irrelevant and improper.
2 MR. DAMICH: Thank you, Dayja.
3 BY MR. DAMICH:
4 Q. Sir, what we have here, as you can see, it's a 47
5 page document that has some snippets of facts from
6 different judicial decisions regarding cases of a sexual
7 nature. And I'm going to ask you to read through some
8 of these factual scenarios and I'm going to have some
9 questions for you following your reading of them. But
10 before I do that I'm going to ask that this exhibit be
11 marked as Exhibit B.

12 (Whereupon Deposition Exhibit B
13 marked for identification.)

14 BY MR. DAMICH:

15 Q. I'm going to scroll down to number seven here,
16 and I'll zoom in a little bit. Could you read that for
17 me and let me know when you're done?

18 A. Which one is it again?

19 Q. Number seven.

20 A. Seven. Okay.

21 Q. Would you want to know if this perpetrator was
22 going to babysit one of your grandnieces and nephews?

23 A. I don't know. The first problem with this is
24 that I don't know who ordered this narrative. There's
25 two sides to every story, I don't know if this is even

1 truthful. You state that they are facts, but I'm
2 disputing that these are, in fact, the facts. So this
3 narrative was typed up by someone, but I was not sitting
4 there at the trial, there's two sides to every story,
5 and, more importantly, I don't know if that individual
6 who allegedly did this actually, in fact, is currently a
7 threat or not. So the answer is I don't know.

8 Q. Okay.

9 A. There's not enough information here to go off of.

10 Q. So assume for purposes of today that these facts
11 are true and not in dispute.

12 A. If this person is a continuing threat, then, yes,
13 I would prefer to know, yes.

14 Q. And what do you believe is the threshold for
15 continuing threat?

16 A. That's not within my purview to decide. I'm not
17 qualified to make that assertion.

18 Q. Would you consider this person a threat?

19 MS. TILLMAN: Objection, asked and answered.

20 THE WITNESS: I don't know. The answer to
21 your question on this guy is I don't know.

22 BY MR. DAMICH:

23 Q. Okay. Number 13, go ahead and read it and let me
24 know when you're done.

25 A. Okay.

1 Q. Okay, would you like to know this information if,
2 in fact, this perpetrator lived next to your sister?

3 A. I would say that, again, it's I don't know.

4 Again, we've got a narrative here that I don't know is
5 truthful or factual, but assuming for sake of argument,
6 'cause I know you're going to ask that next, assuming
7 for sake of argument that this is the absolute truth I
8 would say that I can't answer your question because I
9 don't know. This person may or may not be a continuing
10 threat.

11 Q. Okay, let's assume that they are a continuing
12 threat, would this be information that you'd want to
13 know?

14 A. If they are an actual continuing threat, yeah,
15 I'd prefer to know that.

16 Q. Okay. Number 19, it's a little longer, can you
17 see it?

18 A. Yeah, yeah.

19 Q. Okay.

20 A. Okay.

21 Q. Would you want to know this information if this
22 defendant were to enter the home of your nephew?

23 A. I would say that, again, I don't know if
24 he's -- this narrative is accurate, factual, or correct.
25 But, again, for the sake of argument, assuming that it

1 is, I would say that there's not enough information here
2 for me to make a determination one way or the other as
3 to whether or not this -- I would prefer to know.

4 Q. What more information would you need?

5 A. I would need to know if the person was a
6 continuing threat.

7 Q. Okay. And assuming they were a continuing
8 threat, would you want to know this information?

9 A. If they were a continuing threat absolutely,
10 sure.

11 Q. Okay. If you'd read number 20 and then let me
12 know when you're done.

13 A. Sure. Okay.

14 Q. Would you want to know this information if this
15 defendant here was your sister's therapist?

16 A. Again, assuming that this information is factual
17 and accurate, which it may not be, there's two sides to
18 every story, and what I'm reading here, I mean, appears
19 to be an inappropriate relationship. It also appears to
20 be somewhat consensual. So I would say that without a
21 continuing risk assessment of some kind I don't think
22 this person may -- I don't honestly, from what I'm
23 reading here assuming this is correct, I don't know if
24 this person is a threat or not even with a risk
25 assessment.

1 Q. Okay, but if they were still considered a threat
2 would you want to know this information if your sister
3 were -- if this was your sister's therapist?
4 A. If this person had a history of it and was likely
5 to do it again, in other words, a continuing history,
6 and was someone that was likely to reoffend in some way,
7 I would say it's something she should know about, yeah.
8 But, again, this appears to be, again, somewhat
9 consensual, there's a very big gray area on this one,
10 Scott, assuming this narrative is correct.
11 Q. So number 22, if you could read that and let me
12 know when you're done.
13 A. Okay.
14 Q. Okay, and let's assume this defendant here is
15 also a pianist and offers lessons. Would you want to
16 know the information here about defendant before one of
17 your nieces or nephews or grandnieces or nephews were to
18 take piano lessons from this individual?
19 A. I would say assuming that this narrative is
20 correct, which I don't know that it is, if this person
21 is a continuing threat to society I would say that I
22 would prefer to know, I would prefer that my niece or
23 nephew prefer to know, but without some sort of, you
24 know, individualized risk assessment I'm not entirely
25 sure that they should know.

1 Q. Okay. If you would read number 28.
2 A. Okay.
3 Q. Okay, would you want to know this information if
4 your niece was going to go on a date with this
5 defendant?
6 A. I would say, again, assuming that this narrative
7 is accurate and correct, which I'm not certain that it
8 is factual, I would say that I would prefer to know if
9 there was an individualized risk assessment that
10 confirms that this person was a continuing threat, that
11 they have a high level or high risk of reoffending.
12 Beyond that I would say I would not prefer to know.
13 Q. What type of things should go into that
14 individualized assessment for this individual, in your
15 opinion?
16 A. I have no idea. That's not my job and that's not
17 my area of expertise.
18 Q. Okay, number 33, could you read that and let me
19 know when you're done?
20 A. Sure. Okay.
21 Q. And would you want to know if this perpetrator
22 was going to babysit one of your grandnieces or nephews?
23 A. Again, assuming that the narrative that is
24 written here is accurate and factual, which I cannot say
25 whether it is or is not, I would say if the person that

1 allegedly did this is a continuing threat to society and
2 has been tested or, you know, classified as such through
3 an individualized risk assessment then I would say yes.
4 Otherwise, no, I would not prefer to know.
5 Q. Okay. Number 41, if you could go ahead and read
6 that and let me know when you're done.
7 A. Sure. Okay.
8 Q. Would you take your nephew to this barber if you
9 knew this information?
10 A. I would say the information is not relevant if
11 the person that is described here -- in fact, if this
12 narrative is accurate, which I cannot say for sure
13 whether this information is accurate or not, but if a
14 risk -- individualized risk assessment is conducted that
15 proves that this individual who allegedly did this is,
16 in fact, a continuing risk to society then, yeah, I
17 would prefer to know, in fact, I would prefer that they
18 don't even be a barber, but if their individualized risk
19 assessment indicates that they are not a threat any
20 longer then I would say, no, I would not want to know.
21 Q. Can you read number 76?
22 A. Okay.
23 Q. Would you want to know this information if your
24 niece was dating the defendant?
25 A. Assuming that this narrative is factual and

1 correct, which I don't know that it is, I would say that
2 an individualized risk assessment needs to be done upon
3 this individual, assuming that they did what they
4 allegedly -- this allegedly says they did, and if they
5 prove or they show to be a continuing threat, likely to
6 reoffend, then I would say I would prefer to know.
7 Otherwise I would not prefer to know.
8 Q. Okay, number 79. Just let me know when you're
9 done reading it.
10 A. Okay.
11 Q. Okay. Assuming this defendant now offers
12 tutoring services, is this some information you'd want
13 to know if your niece or nephew were to seek out
14 tutoring services from this individual?
15 A. Assuming this narrative is accurate and correct,
16 which I cannot say that it is, I don't know who came up
17 or spun that narrative and wrote it down, but assuming
18 for the sake of argument that it is, in fact, a correct
19 and accurate narrative I would say that the individual
20 that's accused or allegedly did this should be put
21 through an individualized risk assessment and if they
22 prove that they are a continuing threat or likely to
23 reoffend then, yes, I would prefer to know. Otherwise,
24 no, I would not prefer to know. With that I'd like to
25 say can we take a break?

1 Q. Absolutely, yes. How long do you need?

2 A. **Ten minutes are good.**

3 MR. DAMICH: Okay, that sounds good.

4 THE WITNESS: All right.

5 MR. DAMICH: See you back in ten minutes.

6 THE WITNESS: You bet you.

7 (A recess was taken.)

8 MR. DAMICH: Back on the record now.

9 BY MR. DAMICH:

10 Q. I'm going to go ahead and reshare my screen, I

11 took it down during the break. If you could read number

12 85 for me right here and let me know when you're done.

13 A. **Sure. Okay.**

14 Q. Okay, would you want to know this information if

15 this defendant lived next to any of your family members?

16 A. **Not necessarily. Again, the information that's**

17 **provided here may not be factual. It's a narrative**

18 **that's been written down and I don't know from what**

19 **perspective and whose so I honestly don't know how to**

20 **answer that question other than to say that -- I mean**

21 **for sake of argument if this is a factual narrative, and**

22 **I'm not saying that it is, if this individual is still,**

23 **you know, indicated by an individualized risk assessment**

24 **to be a continuing threat to society, and is, therefore,**

25 **likely to reoffend, then I would say I would prefer to**

1 **know otherwise I would not prefer to know.**

2 Q. All right. Have you ever contacted a member of

3 the Michigan legislature to inquire about changing the

4 sex offender registration law?

5 A. **I have written a letter to the legislature in**

6 **regards to when Doe 2 was going on and there was an**

7 **inappropriate committee meeting of the house judiciary,**

8 **I did write some letters in regards to that.**

9 Q. Okay. And so are you aware that it's the

10 legislature that has the power to change the law?

11 A. **The legislatures have the ability to nullify,**

12 **create, and change laws, yes.**

13 Q. Do you know whether Governor Whitmer has the

14 power to change the sex offender registration law?

15 A. **She has the ability to veto an unconstitutional**

16 **one and she did not do so.**

17 Q. Okay. So the question was do you know whether

18 Governor Whitmer has the power to change the sex

19 offender registration law?

20 MS. TILLMAN: Objection, asked and answered.

21 You can keep going.

22 THE WITNESS: Oh, yeah, okay, so, Scott,

23 Governor Whitmer is part of the three branches of

24 government that we have, right, and she's the executive

25 branch. And she has the power to veto the legislation

1 that was put forward as a result of Does 2, and she

2 either should have -- she either did know or should have

3 known through her own legal counsel that the law in its

4 entirety was unconstitutional and did not pass

5 constitutional muster. So she signed it into law so,

6 therefore, she is directly responsible and indicated in

7 this lawsuit.

8 BY MR. DAMICH:

9 Q. Okay. Can she currently change the law?

10 A. **On her own?**

11 Q. Correct, yes.

12 A. **I don't know.**

13 Q. Is it your understanding that the executive

14 branch of government doesn't have the ability to change

15 the law?

16 A. **My pedestrian understanding is that she does not**

17 **create law.**

18 Q. Do you know whether or not she can reduce the

19 registration period?

20 A. **I do not believe she has a mechanism to directly**

21 **do so.**

22 Q. Do you know whether Colonel Gasper has the power

23 to change the sex offender registration law?

24 A. **He can refuse to follow it, it's his**

25 **constitutional duty to actually do that. If he either**

1 **knows or has reason to believe to know that the law is**

2 **unconstitutional he has a duty to uphold the**

3 **constitution in this state and the United States. He**

4 **swore an oath and if he knows that a law is either, A,**

5 **unconstitutional or, B, he has good reason to believe**

6 **the law is unconstitutional he has a duty to actually**

7 **not enforce it.**

8 Q. Again, the question was does he have -- how about

9 I rephrase it. Does Colonel Gasper currently have the

10 power to change the sex offender registration law?

11 A. **He has the option to not enforce it.**

12 Q. Okay.

13 A. **Which would --**

14 Q. Does he have the authority to change the language

15 of the law?

16 A. **To change the actual language of the law? I'm**

17 **not aware of any mechanism that he would have to change**

18 **the mech- -- or to change the wording of the statute as**

19 **it's currently written, but then, again, I have a**

20 **pedestrian understanding so....**

21 Q. And do you know whether he can reduce the

22 registration period?

23 A. **He can refuse to enforce the registration**

24 **altogether, but as far as I'm aware he has no ability to**

25 **actually rewrite the law.**

1 Q. Do you now know that under the new law some of
2 the changes can be made by mail?

3 A. **I'm aware that that is a possibility for certain
4 adds and additions and changes, yes.**

5 Q. And would you agree that making the changes by
6 mail is easier than making those changes in person?

7 A. **No, I would argue that it actually had no impact
8 whatsoever.**

9 Q. Okay. So it wouldn't be easier to
10 actually -- instead of having to physically go somewhere
11 and update your changes, you think that it would be just
12 as hard as just sending it in the mail?

13 A. **I would think that it's a mechanism which leaves
14 open the possibility for either mistakes or intentional
15 malfeasance. Based on an experience I had at the county
16 once my take on the mail-in form is that it is, in fact,
17 something that could easily be misplaced, lost in the
18 mail, intentionally misplaced or lost at the state level
19 or county level through malfeasance of duty or criminal
20 activity at the state or county level.**

21 And so, therefore, considering that any
22 change you make on that mail-in form has criminal
23 penalties associated with the state not knowing about it
24 and if they -- anybody can claim they never got the form
25 or never entered it or it could get laid to the side, it

1 could be accidental or it could be intentional, but it's
2 too much of a risk to send in that mail-in form. Once
3 it leaves my hands I have no idea where it goes.

4 Q. Sure. Just from a pure physical, pure physics
5 standpoint, wouldn't you agree that it's easier to mail
6 something than it is to hand deliver something?

7 MS. TILLMAN: Objection, asked and answered.
8 You can go ahead.

9 THE WITNESS: I would say that, no, I would
10 argue that the mail-in form is completely useless as it
11 currently is set forth.

12 BY MR. DAMICH:

13 Q. Just to be clear the question was asked from a
14 physical standpoint would you agree --

15 A. **I would argue the level of effort is not -- in
16 some cases the level of effort would not be dissimilar,
17 you have to go get a stamp, you may not have stamps, you
18 have to get an envelope, you may not have envelopes, you
19 have to fill out the form instead of somebody doing it
20 for you at the county level, so I would argue that the
21 level of effort would vary from person to person.**

22 Q. Okay.

23 MR. DAMICH: That's all the questions I
24 have.

25 MS. TILLMAN: I have a couple of questions

1 if you don't mind, Scott.

2 MR. DAMICH: I may have to follow up, of
3 course, if you don't mind.

4 MS. TILLMAN: Yes, of course.

5 THE WITNESS: Is this like cross and
6 redirect and all that stuff I see on TV?

7 MS. TILLMAN: More or less, right.

8 MR. DAMICH: Yeah, we look better than
9 people on TV, though so....

10 EXAMINATION

11 BY MS. TILLMAN:

12 Q. All right. So just really quickly you earlier
13 testified that there were periods of unemployment while
14 you were at the temp agency, correct?

15 A. Yes.

16 Q. And if you remember how long were those periods
17 of unemployment?

18 A. **It varied. Those periods of unemployment could
19 vary from two days to a couple of months.**

20 Q. And this was because the temp agency you were at
21 was not able to place you at those times?

22 A. Correct.

23 MS. TILLMAN: Got you. And that's all of my
24 follow up questions, thank you.

25 THE WITNESS: Scott?

1 MR. DAMICH: I don't have any follow up
2 questions.

3 THE WITNESS: Okay.

4 MR. DAMICH: It's a pleasure talking with
5 you today, sir, I appreciate it. Thanks for taking the
6 time out of your day.

7 THE WITNESS: Sure, of course, absolutely.
8 (Whereupon Deposition concluded at 12:15 p.m.)

1 STATE OF MICHIGAN)
) SS
 2 COUNTY OF INGHAM)

3 I, Melinda Nardone, Certified Shorthand
 4 Reporter and Notary Public in and for the County of
 5 Ingham, State of Michigan, do hereby certify that the
 6 foregoing deposition was taken before me at the time
 7 hereinbefore set forth.

8 I further certify that said witness was
 9 duly sworn in said cause to tell the truth; that the
 10 testimony then given was reported by me remotely to the
 11 best of my ability; subsequently produced under my
 12 direction and supervision; and that the foregoing is a
 13 complete, true, and correct transcript of my original
 14 shorthand notes.

15 IN WITNESS WHEREOF, I have hereunto set
 16 my hand and seal this 23rd day of April, 2023.
 17
 18

19 _____
 20 Melinda S. Nardone, CSR-1311,
 21 Certified Shorthand Reporter,
 22 and Notary Public, County
 23 of Ingham, State of Michigan.
 24 My Commission Expires: 10-24-24
 25